

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1757

Introduced by Assembly Member Monning
(~~Coauthor: Assembly Member~~ *Coauthors: Assembly Members*
***Caballero and Cook*)**

February 8, 2010

An act to amend Sections 1450, 1451, 1453, 1454, 1455, 1456, and 1457 of, and to add Sections 1450.1 and 1450.2 to, the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 1757, as amended, Monning. Veterans cemetery.

(1) Existing law created the California Central Coast State Veterans Cemetery at Fort Ord Endowment Fund in the State Treasury and requires those moneys to be allocated for the annual administrative and oversight costs of the veterans cemetery, as specified.

This bill would require the Department of Veterans Affairs, in voluntary cooperation with the Board of Supervisors of the County of Monterey, the City of Seaside, the Fort Ord Reuse Authority, and local agencies to design, develop, and construct the California Central Coast Veterans Cemetery at Fort Ord, as specified. This bill would require the Secretary of Veterans Affairs to appoint an Advisory Committee to advise the department when considering significant changes to the cemetery, as provided. This bill would require additional revenues identified for the administration and oversight of the cemetery to be deposited in the Endowment Fund, as specified.

(2) Existing law requires the department to develop and submit a Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs for the establishment of a veterans cemetery, as provided. Existing law requires the Controller to transfer moneys from the Endowment Fund to the Operations Fund in the amount equal to the costs of developing and submitting the State Veterans Cemetery Grant Program application, as provided.

This bill would require the Controller, upon the appropriation of the Legislature, to transfer funds from the Endowment Fund to the Operations Fund in the amount at least equal to the estimated costs to ~~accomplish the design and development of the cemetery in phases~~ *complete preliminary plans and working drawings*. This bill would authorize the department ~~to begin designing, developing, and contracting~~, upon the transfer of *those funds, to proceed with all activities necessary to support the submission of the grant application*, and, *upon the United States Department of Veterans Affairs certification of the grant award* to begin construction and equipping the veterans cemetery ~~upon the United States Department of Veterans Affairs certification of the grant award~~. This bill would define “phases” to mean the usual phases of a capital outlay project, *as specified*.

(3) Existing law requires the department to adopt regulations for eligibility requirements, as provided, and authorizes the burial of children of honorably discharged veterans in the veterans cemetery.

This bill would require regulations to apply to all state-operated veterans cemeteries, as specified, and would limit burial in the veterans cemetery to dependent children of honorably discharged veterans.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1450 of the Military and Veterans Code
- 2 is amended to read:
- 3 1450. For purposes of this chapter, the following definitions
- 4 apply:
- 5 (a) “Administrative and oversight costs” means costs incurred
- 6 by the department for the maintenance of the veterans cemetery
- 7 including, but not limited to, personnel costs, the opening and
- 8 closing of graves, the interment of remains, committal service

1 coordination, grounds keeping, landscaping, general maintenance,
2 and janitorial services.

3 (b) “Department” means the Department of Veterans Affairs.

4 (c) “Endowment Fund” means the California Central Coast
5 State Veterans Cemetery at Fort Ord Endowment Fund.

6 (d) “Operations Fund” means the California Central Coast State
7 Veterans Cemetery at Fort Ord Operations Fund.

8 (e) “Phases” means the usual phases of a capital outlay ~~project~~.
9 *Phases project, and includes* studies, preliminary plans, working
10 drawings, including documents necessary to put the construction
11 phase out to bid, and construction.

12 (f) “Veterans cemetery” means the California Central Coast
13 State Veterans Cemetery at Fort Ord.

14 SEC. 2. Section 1450.1 is added to the Military and Veterans
15 Code, to read:

16 1450.1. (a) Pursuant to this chapter, the department, in
17 voluntary cooperation with the Board of Supervisors of the County
18 of Monterey, the City of Seaside, the Fort Ord Reuse Authority,
19 and surrounding counties, cities, and local agencies, shall design,
20 develop, and construct the state-owned and state-operated veterans
21 cemetery, which shall be located on the site of the former Fort
22 Ord.

23 (b) The department shall oversee and coordinate the design,
24 development, construction, and equipping of the veterans cemetery.

25 (c) It is the intent of the Legislature that the design of the
26 veterans cemetery closely follows the concepts published in the
27 California Central Coast Veterans Cemetery Fort Ord Development
28 Master Plan as prepared for the Monterey County Redevelopment
29 Agency.

30 SEC. 3. Section 1450.2 is added to the Military and Veterans
31 Code, to read:

32 1450.2. (a) The Secretary of Veterans Affairs shall establish
33 the California Central Coast Veterans Cemetery Advisory
34 Committee that consists of the following persons appointed by the
35 secretary:

36 (1) One representative from the County of Monterey, nominated
37 by the Board of Supervisors of the County of Monterey.

38 (2) One representative from the City of Seaside, nominated by
39 the City Council of the City of Seaside.

1 (3) One representative from the Fort Ord Reuse Authority,
2 nominated by the board of directors of the Fort Ord Reuse
3 Authority.

4 (4) Two members from the Fort Ord Veterans Cemetery Citizens
5 Advisory Committee, nominated by that committee.

6 (5) At least two members from the department.

7 (b) In recognition of the fact that the Endowment Fund will be
8 made up largely of private and local funds, the department shall
9 seek the advice of the Advisory Committee when considering
10 significant changes in the design of the veterans cemetery.

11 SEC. 4. Section 1451 of the Military and Veterans Code is
12 amended to read:

13 1451. (a) The California Central Coast State Veterans
14 Cemetery at Fort Ord Endowment Fund is hereby created in the
15 State Treasury. Moneys in the Endowment Fund shall be allocated,
16 upon appropriation by the Legislature, to the department for the
17 annual administrative and oversight costs of the veterans cemetery,
18 pursuant to Sections 1453 and 1454, and to generate funding
19 through interest for the veterans cemetery.

20 (b) (1) Moneys in the fund shall first be invested with the goal
21 of achieving capital appreciation to create a balance sufficient to
22 generate ongoing earnings to cover the estimated annual oversight
23 and maintenance costs associated with the veterans cemetery
24 pursuant to Section 1453.

25 (2) Upon the determination of the Controller that the Endowment
26 Fund balance has attained the goal established in paragraph (1),
27 moneys in the fund shall be invested to generate earnings to fund
28 annual oversight and maintenance costs associated with the
29 veterans cemetery.

30 (c) The Endowment Fund may consist of donations from public
31 and private entities, partnerships between public and private
32 entities, fees, and transfers from the state General Fund as may be
33 specified by law.

34 (d) To the extent possible, donations made in-kind to the
35 Endowment Fund shall be monetized so as to offset the ongoing
36 administrative and oversight costs under Sections 1452 and 1453.

37 (e) Earnings generated by the Endowment Fund shall be retained
38 by the fund.

1 (f) Moneys deposited in the Endowment Fund are exempt from
2 the requirements of Sections 11270 through 11277 of the
3 Government Code.

4 (g) Moneys in the Endowment Fund shall be invested by the
5 Treasurer, after consultation with the department, in a manner that
6 best meets the goals of the fund.

7 (h) If, through changes in state or federal law, additional
8 revenues are identified for the administration and oversight of the
9 cemetery, including increases in federal burial allowances, so that
10 the amount of annual revenue exceeds the annual administrative
11 and oversight costs, the excess revenues shall be deposited in the
12 Endowment Fund.

13 SEC. 5. Section 1453 of the Military and Veterans Code is
14 amended to read:

15 1453. (a) (1) Upon the determination of the Controller, after
16 consultation with the Secretary of Veterans Affairs, that the
17 Endowment Fund has adequate principal to annually yield
18 sufficient investment earnings, from the date of the determination,
19 to cover the annual administrative and oversight costs over the
20 next 10 years and to fund the estimated costs of developing and
21 submitting the State Veterans Cemetery Grant Program application,
22 the department shall develop and submit a State Veterans Cemetery
23 Grant Program application to the United States Department of
24 Veterans Affairs for the establishment of a veterans cemetery.

25 (2) The Controller, upon appropriation by the Legislature, shall
26 transfer moneys from the Endowment Fund to the Operations Fund
27 in an amount equal to the estimated costs of ~~project design,~~
28 ~~development of all documents necessary for construction, and~~
29 developing and submitting the State Veterans Cemetery Grant
30 Program application to the United States Department of Veterans
31 Affairs.

32 (3) Notwithstanding paragraph (1), the Controller, upon
33 appropriation by the Legislature, shall transfer funds from the
34 Endowment Fund to the Operations Fund in an amount at least
35 equal to the estimated costs to ~~accomplish the design and~~
36 ~~development of the cemetery in phases: complete preliminary plans~~
37 ~~and working drawings.~~ Transfers shall be made only when
38 sufficient funds, as determined by the Director of Finance, exist
39 to fully accomplish each ~~project phase of these project phases.~~

1 (4) *The department shall not proceed with advertisement for*
2 *construction bids until the Endowment Fund has adequate principal*
3 *to cover annual administrative and oversight costs, in accordance*
4 *with paragraph (1).*

5 (b) (1) The Secretary of Veterans Affairs shall submit the State
6 Veterans Grant Program application to the United States
7 Department of Veterans Affairs within six months of the
8 Controller's determination pursuant to subdivision (a). The
9 Secretary of Veterans Affairs is authorized to act as the official
10 representative of the state in connection with the State Veterans
11 Cemetery Grant Program application, including providing the
12 United States Department of Veterans Affairs throughout the
13 application process with all necessary assurances that additional
14 information shall be provided when required. The Secretary of
15 Veterans Affairs shall have final approval of all aspects of the
16 cemetery design and operation.

17 (2) Upon transfer of funds pursuant to paragraphs (2) and (3)
18 of subdivision (a), the department is authorized to proceed with
19 ~~all design, development, and contracting~~ activities necessary to
20 support the submission of the State Veterans Cemetery Grant
21 Program application.

22 (3) Upon the United States Department of Veterans Affairs'
23 certification of the grant award, the department is authorized to
24 proceed with construction and equipping of the veterans cemetery.

25 (c) If awarded, the moneys received from the State Veterans
26 Cemetery Grant Program shall be used to reimburse the
27 Endowment Fund for the costs of developing and submitting the
28 State Veterans Cemetery Grant Program application to the United
29 States Department of Veterans Affairs and other eligible costs,
30 and to fund 100 percent of costs allowed by the grant requirements,
31 as well as the state's share of any other costs for the design,
32 ~~development~~, construction, and equipping of the veterans cemetery.

33 SEC. 6. Section 1454 of the Military and Veterans Code is
34 amended to read:

35 1454. (a) The Central Coast Veterans Cemetery Master
36 Development Fund is hereby renamed the California Central Coast
37 State Veterans Cemetery at Fort Ord Operations Fund. Moneys in
38 the Operations Fund may be transferred, upon appropriation by
39 the Legislature, from the Endowment Fund to the Operations Fund

1 for expenditure by the department, solely for the annual
2 administrative and oversight costs of the veterans cemetery.

3 (b) (1) The Controller shall reserve an amount, not to exceed
4 20 percent of the amount allocated pursuant to subdivision (a), in
5 the Operations Fund, which shall be used solely as a reserve for
6 unforeseen administrative and oversight costs.

7 (2) For purposes of this subdivision, “unforeseen administrative
8 and oversight costs” means any costs that could not have been
9 reasonably anticipated by the department when preparing its
10 estimate of annual administrative and oversight costs and that are
11 needed to carry out the purposes of this chapter.

12 SEC. 7. Section 1455 of the Military and Veterans Code is
13 amended to read:

14 1455. (a) Subsequent to the department’s submission of the
15 State Veterans Cemetery Grant Program application, pursuant to
16 Section 1453, the department shall adopt regulations to specify
17 the eligibility requirements for interment, the appropriate fees to
18 be charged for interment or burial of spouses and dependent
19 children of honorably discharged veterans, and appropriate fees
20 for the disinterment of remains.

21 (b) Those eligible for interment are all honorably discharged
22 veterans and their spouses and dependent children.

23 (c) All fees received pursuant to subdivision (a) shall be
24 deposited in the Endowment Fund created pursuant to Section
25 1451.

26 (d) Regulations adopted pursuant to this section shall also be
27 applicable to all state-operated veterans cemeteries in order to
28 ensure consistent and equitable treatment of all veterans and their
29 families throughout the state.

30 SEC. 8. Section 1456 of the Military and Veterans Code is
31 amended to read:

32 1456. (a) Proposals for the construction, placement, or donation
33 of monuments or memorials, excluding headstones, and other
34 amenities to the veterans cemetery shall be subject to review by
35 the California Central Coast Veterans Cemetery Advisory
36 Committee.

37 (b) All proposals for the construction, placement, or donation
38 of monuments, memorials, and amenities to the veterans cemetery
39 shall be subject to the approval of the Secretary of Veterans Affairs.

1 (c) The department shall adopt regulations for the policies and
2 procedures to be followed with respect to the design, placement,
3 and approval of monuments and memorials proposed to be placed
4 on veterans cemetery grounds.

5 (d) Endowment Fund balances exceeding that determined to be
6 sufficient to meet annual administrative and oversight costs, as
7 determined pursuant to Section 1453, may be expended, upon
8 appropriation by the Legislature, for the purpose of establishing
9 monuments, memorials, and amenities.

10 SEC. 9. Section 1457 of the Military and Veterans Code is
11 amended to read:

12 1457. (a) Notwithstanding Section 11005 of the Government
13 Code, the veterans cemetery administrator may, subject to the
14 approval of the Secretary of Veterans Affairs, accept donations of
15 personal property, including cash or other gifts, to be used for the
16 maintenance or beautification of the veterans cemetery.

17 (b) Donations in the form of cash shall be deposited in the
18 Endowment Fund and shall be expended for the maintenance and
19 repair of the veterans cemetery or for a specified veterans cemetery
20 maintenance or beautification project designated by the donor,
21 upon appropriation by the Legislature.